

ARGUMENTS

Rejection of Claims on Art Grounds in the 10/06/2004 Office Action, and Traversal Thereof

In the 10/06/2004 Office Action, claims 1-170 remain pending. Claims 76-131 are allowed. Claims 1-75 and 151-170 stand rejected for being non-statutory under 35 U.S.C. 101. Claims 57-75, 132-150 and 170 stand provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-69 of copending Application No. 09/680,063. Claims 57-75, 132-150 and 170 stand rejected on prior art grounds, under 35 U.S.C. 102(b).

Claims 1, 19, 38, 57, 151 and 170 are currently amended as suggested by the Examiner to overcome the rejection for being non-statutory under 35 U.S.C. 101. Moreover, provided conflicting claims are ultimately patented, a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) will be used to overcome an actual rejection based on a non-statutory double patenting ground. Claims 57, 132 and 170 have been further amended to point out that the steps and means of the method and system of the present invention includes a step or means for receiving an indication of a portion of the source code to be searched for the type of link required.

The present invention is a method and system for an improved software development tool that allows a developer to determine which elements in source code are at most a given number of links away from a selected element. The software development tool also receives an indication of the portion of the source code that will be searched, and in addition, the software development tool receives an indication of the maximum distance between the links.

The Present Invention Is Novel Over The Cited UML Reference of Quatrani

As stated in MPEP §2131, a claim is anticipated under §102 only if each and every element as set forth in the claim, in as complete of detail, is found in a single prior art reference. The claimed invention, according to independent claims 57, 132 and 170 as currently amended call for a means or steps of:

receiving a selection of one of the plurality of elements; receiving an indication of a type of link; receiving an indication of a portion of the source code to be searched for said type of link; and determining which of the plurality of elements is connected to the selected element via a link of the indicated type.

As such, for the cited reference to be anticipatory, the reference must describe these identical elements or steps. In other words, the reference, to teach in as much detail as is claimed by the present invention, must disclose a means or steps of :

receiving a selection of one of the plurality of elements; receiving an indication of a type of link; receiving an indication of a portion of the source code to be searched for said type of link; and determining which of the plurality of elements is connected to the selected element via a link of the indicated type.

The cited UML reference does not teach the above underlined step. Therefore, the cited UML reference cannot anticipate the present invention as currently claimed. Likewise, none of the other references cited, but not applied teach or suggest the above underlined step.

CONCLUSION

In view of the foregoing, claims 1-170 constituting the claims pending in the application, are submitted to be fully patentable and in allowable condition to address and overcome the rejections.

If any issues remain outstanding, incident to the allowance of the application, Examiner Ingberg is respectfully requested to contact the undersigned attorney at (919)-664-8222 or via email at jingang@trianglepatents.com to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant.



JiNan Glasgow #42585
MacCord Mason, PLLC
PO Box 28539
Raleigh, NC 27611-8539
919-664-8222
919-664-8625 (fax)